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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,680	12/28/2000	Tadashi Ohta	XA-7183E	8012

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MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER

HERNANDEZ, NELSON D

ART UNIT PAPER NUMBER

2612

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/749,680

Applicant(s)

OHTA ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/914,758.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 13, 2005 has been entered.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Response to Arguments***

3. Applicant's arguments filed December 13, 2005 have been fully considered but they are not persuasive.

In page 6, lines 3-19, the Applicant argues that Watanabe fails to teach displaying the recordable capacity calculated beforehand overlapped with a moving image and cites the portion in col. 5, lines 52-60, "the image data indicative of the inputted subject is arranged to be applied by the display buffer memory 24A of memory cartridge 20 at all time for constantly displaying the image data on the display device",

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where the Applicant indicates that is not apparent how a moving image on such a viewfinder would be overlapped with a number of recordable still images calculated by a calculation portion.

The Examiner respectfully disagrees, as taught col. 5 in lines 22-60, Watanabe teaches that the picture taken and stored in the memory 22 is displayed in the display device, and that the remaining number of frames, are also displayed in the display device. Watanabe also teaches that the image displayed does not have to be read from the memory device but also can be read directly from the camera through buffer memory 24A as a modification to the invention of displaying the picture with the number remaining pictures, so the image data from the subject would be read from the memory buffer to be displayed with the number of remaining pictures as shown in fig. 7, wherein the buffer memory 24A and image memory 22 are connected to the CPU 21, so the image from the being capture in a viewfinder mode can be displayed with the number of remaining pictures. Therefore, Watanabe meets the limitation of causing the number of recordable still images calculated by said calculation portion to be displayed overlapping with the moving image on said display portion.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori, US Patent 5,027,214 in view of Watanabe, US Patent 4,887,161.**

**Regarding claim 27**, Fujimori discloses an electronic camera (Fig. 1) including a camera body (camera body taught in col. 7, lines 15-21) attachable to a detachable memory (See memory 18 in the memory card 17 shown in fig. 1) comprising: an image pickup portion (Fig. 1: 4, col. 4, lines 14-27), which picks up an image of an object; an instruction member (Shutter release, see fig. 3; also col. 7, lines 27-51) which is operated by a user for instructing start of image taking; a compression portion (Fig. 1: 14 and 15; figs. 2, 4A and 4B; col. 5, lines 17-35) which compresses still image data at a predetermined compressibility, the still image data being picked up by said image pickup portion after the user operation of said instruction member; a recording portion (See memory 18 in the memory card 17 shown in fig. 1, col. 5, lines 31-35) which records the image data compressed by said compression portion on a memory which is attached to the camera body; a remaining capacity detection portion (Fig. 1: 24, col. 6, lines 25-43; col. 6, line 65 – col. 7, line 4) which detects a remaining capacity of said memory; a calculation portion (Fig. 1: 24, col. 6, lines 25-43; col. 6, line 65 – col. 7, line 4) which calculates previous to the user operation of said instruction member (col. 6, lines 25-43; col. 6, line 65 – col. 7, line 4) the number of still images capable of being recorded on said memory based on the remaining capacity detected by said remaining capacity detection portion and a compressed data amount compressed by said compression portion; a display portion (Fig. 1: 26) which is provided on the camera body and a control portion which causes the number of recordable still images

calculated by said calculation portion to be displayed on said display portion (Col. 7, line 22 – col. 8, line 57).

Fujimori does not explicitly disclose that the display portion displays a moving image of the object picked up by said image pickup portion before applying an operation to said instruction member; and that the control portion for causing the number of recordable still images calculated by said calculation portion previous to the user operation of said instruction member to be displayed overlapping with the moving image on said display portion.

However, Watanabe teaches a digital camera (Fig. 2: 10) comprising a display (Fig. 2: 24), which can be used as a viewfinder for displaying moving images and also displays the remaining number of frames (Fig. 1: D1) in the memory (Fig. 1: 20) overlapping the displayed image by teaching that the image displayed does not have to be read only from the memory device but also can be read directly from the camera through buffer memory 24A as a modification to the invention of displaying the picture with the number remaining pictures, so the image data from the subject would be read from the memory buffer to be displayed with the number of remaining pictures as shown in fig. 7, wherein the buffer memory 24A and image memory 22 are connected to the CPU 21, so the image from the being capture in a viewfinder mode can be displayed with the number of remaining pictures (Col. 3, lines 20-41; col.4, lines 41-65; col. 5, lines 22-60).

Therefore, taking the combined teaching of Fujimori in view of Watanabe as a whole, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Fujimori by having a display capable of displaying moving images and the remaining number of frames in the memory overlapping said displayed image. The motivation to do so would have been to reduce the size of the electronic camera since there is no need of a second display for displaying the image data separated from additional data related to the camera operation and memory and also would help the user to capture images since the viewfinder shows the total area of the scene to be captured.

**6. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori, US Patent 5,027,214 in view of Watanabe, US Patent 4,887,161 and further in view of Watanabe, US Patent 5,032,927.**

**Regarding claim 28**, the combined teaching of Fujimori in view of Watanabe fails to teach a selection portion by means of which one of three compressed data amounts compressed by said compression portion is selected by a user, and wherein said calculation portion calculates the number of still images capable of being recorded on said memory based on the compressed data amount selected by said selection portion and the remaining capacity detected by said remaining capacity detection portion.

However, Watanabe '927 teaches a digital camera (Figs. 1, 7, 8 and 9) comprising an image pickup portion (Figs. 1: 14, 7: 14, 8: 14 and 9: 14), which picks up an image of an object; a compression portion (Figs. 1: 26, 7: 26 and 9: 26) which compresses still image data picked up by said image pickup portion at a predetermined compressibility; a selection means (Figs. 1: 88 and 7: 88) for selecting one from three

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compression ratio ( $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{16}$ ); a recording portion (Figs. 1: 32, 7: 32, 8: 32 and 9: 32) which records the image data compressed by said compression portion on a memory which is detachably attached; a remaining capacity detection portion (Figs. 8: 92 and 9: 92) which detects a remaining capacity of said memory attached; a calculation portion (Figs. 8: 92 and 9: 92) calculates the number of still images capable of being recorded on said memory based on the compressed data amount selected by said selection portion and the remaining capacity detected by said remaining capacity detection portion; a display portion (Figs. 8: 92 and 9: 92) which is provided on an outer surface of said electronic camera and a control portion which causes the number of recordable still images calculated by said calculation portion to be displayed on said display portion (Col. 2, lines 51 - col. 3, line 31; col. 6, lines 1-58; col. 9, lines 8-37; col. 10, line 65 – col. 11, line 28; col. 12, lines 25-51).

Therefore, taking the combined teaching of Fujimori in view of Watanabe and further in view of Watanabe '927 as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic camera by having a selection means for selecting one from three compression ratio and having the calculation portion calculating the number of still images capable of being recorded on said memory based on the compressed data amount selected by said selection portion and the remaining capacity detected by said remaining capacity detection portion. The motivation to do so would have been to select a desired compression ratio from a selection different compression ratio so as to save the image with a desired picture quality, also would help to determine the correct amount of



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remaining data in the case of different image compression selected for the image data as suggested by Watanabe '927 (Col. 2, lines 35-48; col. 16, lines 3-14).

**Regarding claim 30**, the combined teaching of Fujimori in view of Watanabe and further in view of Watanabe '927 as applied to claim 28 teaches that the detachable memory is a memory card (See Fujimori, memory 18 in the memory card 17 shown in fig. 1, Watanabe, fig. 1: 20, 2: 20, 4: 20, and 7: 20; see also Watanabe '927, fig. 1: 32) which is able to record a plurality of compressed image data (by displaying the number of remaining images to be recorded in the remainder display 92, Watanabe '927 teaches that the memory card is able to record a plurality of compressed image data), and the amount of each compressed image data fluctuates (by teaching that three compression ratio ( $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{16}$ ) can be selected for compressing the images, Watanabe '927 teaches that the amount of each compressed image data fluctuates since there are different compression ratios leading to different amount of data for different images; see col. 2, lines 51 - col. 3, line 31; col. 6, lines 1-58; col. 9, lines 8-37; col. 10, line 65 – col. 11, line 28; col. 12, lines 25-51).

**7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori, US Patent 5,027,214 in view of Watanabe, US Patent 4,887,161 and further in view of Inoue, US Patent 5,036,344.**

**Regarding claim 29**, the combined teaching of Fujimori in view of Watanabe does not teach that the control portion causes said display portion to display that the memory is not attached when the memory is not attached to the electronic camera.

However, Inoue teaches a camera (See figs. 1 and 2) comprising a detachable memory card (Figs. 1: B and 2), wherein when the memory card is different or is not properly installed, a display (Fig. 1: 5) will display a message indicating that the memory card is not attached to the camera (Col. 4, lines 19-38; col. 5, lines 6-12; col. 5, line 48 – col. 6, line 8).

Therefore, taking the combined teaching of Fujimori in view of Watanabe and further in view of Inoue as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic camera by indicating in the display that the memory card is not attached to the camera. The motivation to do so would have been to avoid trying to capture images without having the memory card properly installed in the electronic camera since if the memory card is not properly installed the camera may not be capable of recording the images to be captured.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez  
Examiner  
Art Unit 2612

NDHH  
February 23, 2006



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER